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11 INTERTRUST TECHNOLOGIES CORPORATION

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

16 INTERTRUST TECHNOLOGIES
17 CORPORATION,
18 a Delaware corporation,

19 Plaintiff,

20 v.

21 MICROSOFT CORPORATION, a
22 Washington corporation,

23 Defendant.

C 02 - 0647

COMPLAINT FOR INFRINGEMENT OF
U.S. PATENT NO. 6,157,721

DEMAND FOR JURY TRIAL

24 Plaintiff INTERTRUST TECHNOLOGIES CORPORATION (hereafter "InterTrust")
25 hereby complains of Defendant MICROSOFT CORPORATION (hereafter "Microsoft"), and
26 alleges as follows:
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CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 informed and believes, and on that basis alleges, that Microsoft's infringement of the '721 patent
2 under §271(b) will continue unless enjoined by this Court.

3 12. InterTrust is informed and believes, and on that basis alleges, that Microsoft has
4 been and is contributorily infringing the '721 patent under § 271(c) by providing software and
5 related functions especially made or especially adapted for infringing use and not staple articles
6 or commodities of commerce suitable for substantial noninfringing use. InterTrust is further
7 informed and believes, and on that basis alleges, that Microsoft's infringement of the '721 patent
8 under §271(c) will continue unless enjoined by this Court.

9 13. InterTrust is informed and believes, and on that basis alleges, that Microsoft is
10 willfully infringing the '721 patent in the manner described above in paragraphs 10 through 12,
11 and will continue to do so unless enjoined by this Court.

12 14. InterTrust is informed and believes, and on that basis alleges, that Microsoft has
13 derived and received, and will continue to derive and receive from the aforesaid acts of
14 infringement, gains, profits, and advantages, tangible and intangible, the extent of which are not
15 presently known to InterTrust. By reason of the aforesaid acts of infringement, InterTrust has
16 been, and will continue to be, irreparably harmed.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, InterTrust prays for relief as follows:

19 A. That Microsoft be adjudged to have infringed the '721 patent under 35 U.S.C. §
20 271(a);

21 B. That Microsoft be adjudged to have infringed the '721 patent under 35 U.S.C. §
22 271(b) by inducing others to infringe directly the '721 patent under 35 U.S.C. § 271(a);

23 C. That Microsoft be adjudged to have contributorily infringed the '721 patent under
24 35 U.S.C. § 271(c);

25 D. That Microsoft be adjudged to have willfully infringed the '721 patent under 35
26 U.S.C. §§ 271(a), (b), and (c);

27 E. That Microsoft, its officers, agents, servants, employees and attorneys, and those
28 persons in active concert or participation with them be preliminarily and permanently restrained

1 and enjoined under 35 U.S.C. § 283 from directly or indirectly infringing the '721 patent;

2 F. That this Court assess pre-judgment and post-judgment interest and costs against
3 Microsoft, and award such interest and costs to InterTrust, pursuant to 35 U.S.C. § 284, and

4 G. That InterTrust have such other and further relief as the Court may deem proper.

5 Dated: February 6, 2002

KEKER & VAN NEST, LLP

6
7 By: _____

MICHAEL H. PAGE
Attorneys for Plaintiff
INTERTRUST TECHNOLOGIES
CORPORATION

1 **DEMAND FOR JURY TRIAL**

2 Plaintiff InterTrust hereby demands a trial by jury as to all issues triable by jury,
3 specifically including, but not limited to, the issue of infringement of United States Patent No.
4 6,157,721.

5
6 Dated: February 6, 2002

KEKER & VAN NEST, LLP

7
8 By: 

9 MICHAEL H. PAGE
10 Attorneys for Plaintiff
11 INTERTRUST TECHNOLOGIES
12 CORPORATION
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